

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed April 5, 2006 (the "Office Action"). Claims 1-52 are pending in the application. Claims 1-52 have been rejected. Applicants respectfully request reconsideration and favorable action in this case.

**Section 102 Rejections**

The Office Action rejects Claims 1-12, 17-31, 35-39, 43-47 and 51 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,301,354 to Walker et al. ("*Walker '354*"). Applicants respectfully traverse these rejections.

Claim 1 recites receiving a proxy designation from a first user, the proxy designation comprising a proxy user designated to handle the call for the first user, and establishing a second connection with the proxy user. Claims 21, 36 and 44 recite similar elements. The Office Action suggests that *Walker '354* discloses these elements at Figures 1 and 8A-8C and col. 9, line 51 – col. 11, line 31. Office Action, page 2. However, these portions of *Walker '354* disclose the offering to callers of a PBX/ACD of paid entertainment options, including the ability to (i) place a free or subsidized call to a third party while on hold or (ii) access one or more premium entertainment services while on hold. *Walker '354*, col. 10, lines 4-29. *Walker '354* discloses that if it is determined that the caller has selected to place a call to a third party, then the caller is prompted by the IVRU 155 to enter the telephone number of the third party to be called, and the PBX/ACD establishes a connection between the caller and the indicated telephone number. *Walker '354*, col. 10, lines 33-39. However, there is no disclosure, either in this or any other portion of *Walker '354*, of receiving a proxy designation from a user, the proxy designation comprising a proxy user designated to handle the call for the user. The mere establishment of a call from an ACD caller to a third party does not provide the necessary disclosure of a designation of a proxy user to handle a caller's call in a call system. Moreover, *Walker '354* does not disclose or contemplate anyone handling a call to a caller system other than the original caller.

Therefore, for at least these reasons, Applicants respectfully submit that Claims 1, 21, 36 and 44 are patentable over the cited art used in the rejections and request that the rejections of these claims be withdrawn.

Claims 2-12 and 17-20 depend from Claim 1, Claims 22-31 and 35 depend from Claim 21, Claims 37-39 and 43 depend from Claim 36 and Claims 45-47 and 51 depend from Claim 44. Therefore, for at least the reasons discussed above with respect to Claims 1, 21, 36 and 44, Applicants respectfully submit that Claims 2-12, 17-20, 22-31, 35, 37-39, 43, 45-47 and 51 are patentable over the cited art used in the rejections and request that the rejections of these claims be withdrawn.

Moreover, Claim 2 recites wherein detecting the presence of the proxy user comprises authenticating the proxy user using a password of the proxy user. Claims 22, 37 and 45 recite similar elements. The Office Action suggests that *Walker '354* discloses this elements at Figures 1 and 8A-8C and col. 9, line 51 – col. 11, line 31. Office Action, page 3. However, there is no disclosure in this or any other portion of *Walker '354* of this element. The only disclosure of authentication in this portion is the original caller using a password to access a premium entertainment service. *Walker '354*, col. 10, lines 50-65. This does not disclosure authenticating a proxy user who has been designated to handle a call to a call system by a caller. For at least this additional reason, Applicants respectfully submit that Claims 2, 22, 37 and 45 are patentable over the cited art used in the rejections and request that the rejections of these claims be withdrawn.

### **Section 103 Rejections**

The Office Action rejects Claims 13-16, 32-34, 40-42, 48-50 and 52 under 35 U.S.C. § 103(a) as being unpatentable over *Walker '354* in view of U.S. Patent No. 6,314,178 to Walker. Applicants respectfully traverse these rejections.

Claims 13-16 depend, either directly or indirectly, from Claim 1; Claims 32-34 depend, either directly or indirectly, from Claim 21; Claims 40-42 depend, either directly or

indirectly, from Claim 36; and Claims 48-50 depend, either directly or indirectly, from Claim 44. Therefore, for at least the reasons discussed above with respect to Claims 1, 21, 36 and 44, Applicants respectfully submit that Claims 13-16, 32-34, 40-42 and 48-50 are patentable over the cited art used in the rejections and request that the rejections of these claims be withdrawn.

Claim 52 recites receiving a proxy designation from a first user, the proxy designation comprising a proxy user designated to handle the call for the first user, and establishing a second connection with the proxy user. Therefore, Applicants respectfully submit that Claim 52 is patentable over the cited art used in the rejections for at least the same reasons as discussed above with respect to Claim 1 and request that the rejection of this claim be withdrawn.

**CONCLUSION**

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Applicants believe no fees are due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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